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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MINNIE HENDRICKSON RN,

Plaintiff,

-against-

MAIMONIDES MEDICAL CENTER, et al.,

Defendants.

21-CV-7808 (AT)

ORDER OF SERVICE

ANALISA TORRES, United States District Judge:

Plaintiff, appearing *pro se*, brings this employment discrimination complaint under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, 42 U.S.C. § 1981, and the New York State and City Human Rights Laws. By order dated September 21, 2021, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP).

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses and the complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that

it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Maimonides Medical Center, Thomas Smith, Paul Stuart, Steven Tyler, Tamar Motov, Josephine Imperatrice, and Carol Kidney through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the defendants.

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to issue summonses as to Maimonides Medical Center, Thomas Smith, Paul Stuart, Steven Tyler, Tamar Motov, Josephine Imperatrice, and Carol Kidney, complete the USM-285 forms with the addresses for these defendants, and deliver all

documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: September 27, 2021
New York, New York



ANALISA TORRES
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Maimonides Medical Center
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219
2. Thomas Smith, Senior Vice President of the Chief Nursing Office
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219
3. Paul Stuart, Vice President of Human Resources
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219
4. Steven Tyler, Assistant Nurse Manager
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219
5. Tamar Motov, Emergency Room (ER) Nurse Manager
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219
6. Josephine Imperatrice, Vice President of Emergency Services
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219
7. Carol Kidney, Senior Vice President of Surgical Services
4802 Tenth Avenue, 2nd Floor
Brooklyn, NY 11219